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09/670,610	09/26/2000	Denny Jaeger	4143	4665
7590 Harris Zimmerman Esq 1330 Broadway Suite 710 Oakland, CA 94612				
			EXAMINER NGUYEN, HAU H	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/670610

Filing Date: 9/26/2000

Appellant(s): JAEGER et al.

JAEGER et al.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 01/24/2008 appealing from the Office action mailed 01/03/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,492,978	Selig et al.	12-2002
6,249,277	Varveris	06-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 97 is rejected under 35 U.S.C. 103(a) as being unpatentable over Selig et al. (U.S. Patent No. 6,492,978) in view of Varveris (U.S. Patent No. 6,249,277).

Referring to claim 97, as cited above, Selig et al. teach a system for providing input to a touch screen including a plurality of devices for interacting with the touch screen, each device including a base member 24b and means for securing the base member 24b to the touch screen 16 (retainer 30), and means associated with the base member for provoking a touch detection by the touch screen (keys 24 of the keypad 14) (Figs. 3 and 4).

Thus, Selig et al. teach all the limitations of claim 97, except that the plurality of devices are joined in a crack-and-peel sheet.

However, Varveris teaches a method for provoking input to a touch screen, wherein as shown in Fig. 1, the stylus 10 having a strap 11, the strap 11a hooks and loops type fastener (such as Velcro® material) (col. 3, lines 60-67, and col. 4, lines 1-3) (crack-and-peel sheet).

Therefore, it would have been obvious to one skilled in the art to utilize the method as taught by Varveris in combination with the method as taught by Selig et al. such that the plurality

of devices interacting with the touch screen are joined in a crack-and-peel sheet so that the touch screen can accept plurality of inputs.

Allowable Subject Matter

3. Claims 94, 95, 99, 102-104, 108-111 are allowed.

Reasons for Allowable Subject Matter

4. The following is an examiner's statement of reasons for allowable subject matter:

The prior art taken singly or in combination does not teach or suggest, a device for providing input to a generally flat touch screen, among other things, comprising:

a base member including a longitudinally extending rib having a bottom surface adapted to impinge on the touch screen, a fader cap secured to the rib, a stylus tip extending from said cap toward the touch screen (claims 94, 95);

a base member comprising a post having a bottom surface adapted to impinge on the touch screen, a knob cap secured coaxially to said post and adapted for rotation about a common axis, a stylus tip extending from the knob cap toward the touch screen (claim 99);

a software means interpreting a linear touch pattern at any angle from the center point, and the rate of movement of graphics is set by the software (claim 102);

a software means interpreting a linear touch pattern at any angle from the center point, and the rate of movement of graphics is proportional to the amount of time that a touch detection is maintained at any given angle (claim 103);

a software means interpreting a touch detection displaced from the center point at an angle thereabout as a command to move a cursor at the same angle on the display (claim 104);

a membrane extending radially from the control rod to the base member, the membrane formed of an elastic, resilient web (claim 108);

a spindle including radial teeth, and the flexible track includes a toothed surface adapted to engage the radial teeth (claim 109);

a motor means for driving the spindle to extend and retract the flexible track with respect to the peripheral edge of the touch screen (claim 110);

a fader cap including touch switch means for connecting the battery to the touch signal generator means in response to fingertip touch on the fader cap (claim 111).

The cited prior art does not teach the above mentioned features.

(10) Response to Argument

Appellant's arguments filed 01/24/2008 with respect to the rejection of claim 97 have been fully considered but they are not persuasive. In response to appellant's arguments, first and foremost, the examiner does not rely solely on any individual cited references, but rather on the combination of the teachings. In particular, Selig et al. teach a system wherein a plurality of input devices (joined together in the form of a keypad) interacting with the touch screen including a base member and a means for securing the base member to the touch screen, and means for provoking a touch detection by the touch screen as cited above.

In order to eliminate the need for a retainer frame/bezel to secure the keypad to the touch screen, Varveris is cited to cure the deficiency. Varveris teaches an input device, *which can be contained in a touch screen* (see col. 2, lines 54-62) (thus can include a bottom release layer, and capably mounted on a touch screen), having a base member ("strap" portion), which can be made entirely of plastic "Velcro" material, or of rubber, leather, or fabric with Velcro material or

other separable fastener at the ends (crack and peel sheet). This is implemented by affixing one side of the Velcro material to the surface of the touch screen and the other complementary side of the Velcro material is affixed to the bottom surface of the keypad so that the keypad is attached to and detached from the touch screen surface as suggested in the cited excerpt above. Therefore, it would have been obvious to utilize the method of using the “crack and peel sheet” as taught by Varveris in combination with the method of providing plurality of input devices to the touch screen as taught by Selig et al. so that multiple input devices can interact with the touch screen and that each of the input devices can be affixed and removed from the touch screen.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Hau H Nguyen/

Examiner, Art Unit 2628

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